

**TITLE 40 OF THE CODE OF FEDERAL REGULATIONS  
PART 258 – CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS**

**Section 258.21 is amended by adding a new paragraph (d) to read as follows:**

**Section 258.21 Cover material requirements.**

(d) The Director of an Approved State may establish alternative frequencies for cover requirements in paragraphs (a) and (b) of this section, after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative requirements established under this paragraph must:

- (1) Consider the unique characteristics of small communities;
- (2) Take into account climatic and hydrogeologic conditions; and
- (3) Be protective of human health and the environment.

**Section 258.23 is amended by adding a new paragraph (e) to read as follows:**

**Section 258.23 Explosive gases control.**

(e) The Director of an Approved State may establish alternative frequencies for the monitoring requirement of paragraph (b)(2) of this section, after public review and comment, for any owners or operators of MSWLFs that dispose of 20 tons of municipal solid waste per day or less, based on an annual average. Any alternative monitoring frequencies established under this paragraph must:

- (1) Consider the unique characteristics of small communities;
- (2) Take into account climatic and hydrogeologic conditions; and
- (3) Be protective of human health and the environment.